NORTHERN

STATE OF CALIFORNIA THE RESOURCES AGENCY STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT No. 16480

Application 14444	of STATE OF CALIFO	ORNIA, DEPA	RTMEN	T OF	WATE	RR	ESOUR	CES	
1416 MINTH STREET, SA	CRAMENTO, CALIFORNIA	95814					****		
filed on August 24, 195 Board SUBJECT TO VESTED	l , has	been approve	d by th	e State f this	Wat	er R	esource	es Control	
·					- 01111				
Permittee is hereby authorized	to divert and use water as i	ollows:							
1. Source:		Tributary to:							
FEATHER RIVER	SACRAMENTO RIVER								
**************************************	waa dhaabaanga								
	***************************************		-tm-e-r= 44 8 2 2 2 2 4						
	## - 844- A				·				
	l l	40-acre subd	ivision		7	own•		Base	
2. Location of point of diversi (CALIFORNIA COORDINATE S	of public land or projection		Sect	ion I	hip	Range	and Meridian		
DIVERSION: OROVILLE DAM E 2,145,832	NW 1/4 of	N W 1	a 1		19n	4E	MD		
DIVERSION AND REDIVERSIO		<i>.</i>	4 5	; ,	9 _N	4E			
DIVERSION DAM - N 678,538 AND E 2,128,276 FEATHER RIVER FISH HATCHERY DAM -		S₩ ½ of	5E ½	4	_		****	MD	
N 675,483 AND E 2,127,942 REDIVERSION: THERMALITO FOREBAY -		5₩ 1/4 of	NE 1	<u>ά</u> ξ	1	9N	4E	MD	
N 673,570 AND E 2,104,	NW 1/4 of	SW ½	10) 1	9N	3ε	MD		
REDIVERSION: THERMALITO AFTERBAY - 8 652,500 AND E 2,102,200		SW 1/4 of	SE 1	33	, 1	9n	3ε	MO	
		1/4 of	1/	,					
	<u></u>			•					
County of BUTTE									
0 D	4 71 6	~~~		Town-			Base		
3. Purpose of use:	4. Place of use:		Section	ship	Range		and eridian	Acres	
POWER	(1) OROVILLE POWERPLANT NW1/4 OF NW1/4		1	19n	4E		мо		
	(2) THERMALITO POWE NW1/4 OF SW1/4	ERPLANT	10	19n	3ε		MD		
	(W)/4 0/ 3W//4				-	-	1740		
				·····					
INCIDENTAL RECREATIONAL,	AT VARIOUS PROJECT					<u> </u>			
FISH AND WILDLIFE	ASSOCIATED WITH ORC		R						
	RIVER BELOW OROVILL								
THANCEMENT	SHOWN ON MAP NO. 18								
	NEVISED DECEMBERS	JUT•							
					-				
						-			

THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED AND SHALL NOT EXCEED 11,000 CUBIC FEET PER SECOND BY DIRECT DIVERSION, TO BE SIVERYED FROM JAHUARY 1 TO DECEMBER 31 OF EACH YEAR, AND 3,500,000 ACRE-FEET PER ANNUM BY STORAGE, TO BE SOLLECTED FROM SEPTEMBER 1 OF EACH YEAR TO JULY 31 OF THE SUCCEEDING YEAR.

THE DOTAL QUANTITY OF WATER TO BE APPROPRIATED BY STORAGE FROM THE FEATHER RIVER UNDER THIS PERHIT AND PERMITS ISSUED PURSUANT TO APPLICATIONS 5629, 5630, AND 14443 SHALL NOT EXCEED 3,880,000 ACRE-FEET PER ANNUM.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE OR FOR ANY OTHER PURPOSE.

- THE MAXIMUM QUANTITIES HEREIN STATED MAY BE REDUCED IN THE LICENSE IF INVESTIGA-
 - I. CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1980.
- 8. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1990.
- S. PROGRESS REPORTS SHALL BE FILED PROMPTLY BY PERMITTEE ON FORMS TO BE PROVIDED ARRUALLY BY THE STATE MATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED.
- IJ. ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT, INCLUDING METHOD OF DIVERSION, RETHOD OF USE AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE HETHOD OF USE OF UNREASONABLE METHOD OF DIVERSION OF SAID WATER.
- THE MATER ENTERING ORDVILLE RESERVOIR OR COLLECTED IN THE RESERVOIR UNDER THIS PERMIT OURING AND AFTER THE CURRENT STORAGE SEASON SHALL BE RELEASED INTO THE DOWNSTREAM CHANNER TO THE EXTENT NECESSARY TO SATISFY BOWNSTREAM PRIOR RIGHTS AND TO THE EXTENT THAT APPROPRIATION OF WATER IS NOT AUTHORIZED UNDER THIS PERMIT.
- 12. IN ACCORDANCE WITH THE REQUIREMENTS OF WATER CODE SECTION 1393, PERMITTEE SHALL CLEAR THE SITE OF THE PROPOSED RESERVOIRS OF ALL STRUCTURES, TREES AND OTHER VEGETATION WHICH WOULD INTERFERE WITH THE USE OF THE RESERVOIRS FOR WATER STORAGE AND RECREATIONAL PURPOSES.
- 13. UPON THE REQUEST OF THE BUAND, PERMITTEE SHALL MAKE SUCH MEASUREMENTS AND SHARMTAIN AND FURNISH TO THE BOAND SUCH RELORDS AND INFORMATION AS MAY BE NECESSARY TO DETERMINE COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS PERMIT, INCLUDING THE RECOGNITION OF VESTED RIGHTS AND FOR THE FURTHER PURPOSE OF DETERMINING THE QUANTITIES OF WATER PLACED TO DENEFICIAL USE UNDER THIS PERMIT, BOTH BY DIRECT DIVERSION AND STORAGE.
- 34. IN CONFORMITY WITH WATER CODE SECTION 10505, THIS PERHIT SHALL BE SUBJECT TO ANY AND ALL RIGHTS OF ANY COUNTY IN WHICH THE WATER SOUGHT TO BE APPROPRIATED ORIGINATES TO THE EXTENT THAT ANY SUCH WATER MAY BE NECESSARY FOR THE DEVELOPMENT OF SUCH COUNTY.
- IS. UNTIL FURTHER ORDER OF THE BOARD, PERMITTEE SHALL NOT COLLECT WATER TO STORAGE DURING THE PERIOD FROM APRIL I THROUGH JUNE 30 AT ANY TIME THE MAXIMUM SURFACE ZONE CHLORIDE ION CONTENT OF THE SAN JOAQUIN RIVER AT BLIND POINT EXCEEDS 250 PARTS PER MILLION. IF GLIND POINT IS NOT USED AS A MONITORING STATION, PERMITTEE SHALL ESTABLISH A CORRELATION WITH SOME OTHER STATION SATISFACTORY TO THE BOARD TO FROM THE RECESSARY DATA ON QUALITY AT BLIND POINT.
- It. UNTIL FURTHER ORDER OF THE BOARD, THIS PERMIT SHALL BE SUBJECT TO THE WATER GUALITY CRITERIA INCLUDED AS "EXHIBIT A" OF THE AGREEMENT ENTERED AT THE HEARING OF APPLICATIONS SOZU, ETC., AS SROWA EXHIBIT IT, INSOFAR AS THOSE CRITERIA DO NOT CONFLICT WITH OTHER TERMS INCLUDED IN THIS PERMIT.
- The schedules of monthly diversion of water attached to those contracts between users of water above sacraments and the united states bureau of reclamation heretofore or hereafter entered into as such quantities are from time to time revised except in the event of a general adjudication of rights to the use of water of the sacraments river system.

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- 18. THE STATE WATER RESOURCES CONTROL BOARD RESERVES CONTINUING JURISDICTION OVER THIS PERMIT FOR THE PURPOSE OF FORMULATING OR REVISING TERMS AND CONDITIONS RELATIVE TO SALINITY CONTROL IN THE SACRAMENTO-SAN JOAQUIN DELTA. PERMITTEE SHALL, ON OR BEFORE JANUARY 1 OF THE YEAR FOLLOWING THE DATE OF THIS PERMIT, AND EACH SIX MONTHS THEREAFTER, SUBMIT TO THE BOARD A WRITTEN REPORT AS TO THE PROGRESS OF NEGOTIATIONS RELATIVE TO AGREEMENT BETWEEN PERMITTEE AND WATER USERS IN THE DELTA AND IN NORTHERN CONTRA COSTA COUNTY.
- 19. THIS PERMIT SHALL BE SUBJECT TO THE AGREEMENT BETWEEN THE STATE OF CALIFORNIA, ACTING BY AND THROUGH ITS DEPARTMENT OF WATER RESOURCES, AND CONTRA COSTA COUNTY WATER DISTRICT DATED APRIL 21, 1967, AND ENTERED AT THE HEARING OF APPLICATIONS 5629, ETC., AS AN ATTACHMENT TO CONTRA COSTA COUNTY WATER DISTRICT EXHIBIT 9.
- 20. THE BOARD RESERVES CONTINUING JURISDICTION OVER THIS PERMIT FOR THE PURPOSE OF COORDINATING TERMS AND CONDITIONS OF THE PERMIT WITH TERMS AND CONDITIONS WHICH HAVE BEEN OR WHICH MAY BE INCLUDED IN PERMITS ISSUED PURSUANT TO APPLICATIONS OF THE UNITED STATES IN FURTHERANCE OF THE CENTRAL VALLEY PROJECT AND OTHER APPLICATIONS OF THE STATE OF CALIFORNIA IN FURTHERANCE OF THE STATE WATER PROJECT. AT SUCH TIME AS THE DEPARTMENT OF WATER RESOURCES AND THE UNITED STATES BUREAU OF RECLAMATION HAVE ENTERED INTO A COORDINATED OPERATION AGREEMENT, THE BOARD WILL REVIEW SAID AGREEMENT FOR THE PURPOSE OF FORMULATING AND IMPOSING SUCH COORDINATED TERMS AND CONDITIONS AS MAY BE APPROPRIATE. THE BOARD, ON ITS OWN MOTION OR ON THE MOTION OF ANY INTERESTED PARTY, AFTER HEARING, MAY FORMULATE AND IMPOSE SUCH COORDINATED TERMS AND CONDITIONS AS MAY BE APPROPRIATE PENDING THE EXECUTION OF SUCH AGREEMENT.
- 21. THIS PERMIT IS SUBJECT TO COMPLIANCE BY PERMITTEE WITH WATER CODE SECTION 10504.5 (A).
- 22. THIS PERMIT SHALL BE SUBJECT TO THE "AGREEMENT AND STIPULATION CONCERNING THE OPERATION OF THE OROVILLE DIVISION OF THE STATE WATER PROJECT" ENTERED INTO JULY 19, 1967, FILED OF RECORD AS DWR EXHIBIT 120 IN THE HEARING ON RECONSIDERATION OF DECISION D 1275 IN THE MATTER OF APPLICATIONS 5629. ETC., OF THE CALIFORNIA DEPARTMENT OF WATER RESOURCES. THE STATE WATER RESOURCES CONTROL BOARD RESERVES CONTINUING JURISDICTION OVER THIS PERMIT FOR THE PURPOSE OF FORMULATING TERMS AND CONDITIONS RELATIVE TO FLOWS TO BE MAINTAINED IN THE DELTA FOR THE PROTECTION OF FISH AND WILDLIFE.
- 23. THE BOARD RESERVES CONTINUING JURISDICTION OVER THIS PERMIT FOR THE PURPOSE OF REVIEWING THE OROVILLE-THERMALITO POWER SALES CONTRACT UPON REQUEST OF ANY INTERESTED FARTY AND, AFTER A HEARING, MAKING SUCH REVISIONS IN PERMIT CONDITIONS AS MAY BE APPROPRIATE.
- 24. THE DEPARTMENT MAY DIVERT IN COMPLIANCE WITH SPECIAL CONDITIONS IN THIS PERMIT AND ALL APPLICABLE LAWS ONLY WHEN IT CAN DO SO WITHOUT INTERFERING WITH THE EXERCISE OF VESTED RIGHTS, INCLUDING THOSE RIGHTS OF THE UNITED STATES UNDER PERMITS GRANTED BY DECISION D 990 WHICH HAVE PRIORITY DATES EARLIER THAN THE PRIORITY DATE OF THE PERMIT UNDER WHICH THE DEPARTMENT IS DIVERTING.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights

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STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION	PERMIT16480	LICENSE
APPLICATION	PERMIT———————————	

ORDER TO ADD TO THE PLACE OF USE, APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

- Permit 16480 was issued to California Department of Water Resources on September 26, 1972 pursuant to Application 14444.
- 2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
- 3. The permittee has proceeded with diligence and good cause has been shown for the said changes and for the extension of time.
- 4. Permit Condition 10 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 7 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE

December 31, 2000

(0000008)

2. Condition 8 of the permit be amended to read:

COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE

December 31, 2009

(0000009)

3. Condition 10 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all

Permit $\underline{16480}$ (Application $\underline{14444}$) Page 2

or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: JULY 02 1991

ORIGINAL SIGNED BY ROGER JOHNSON

Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights